

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re:

City of Detroit, Michigan,
Debtor.

Case No. 13-53846

Judge Thomas J. Tucker

Chapter 9

**ORDER GRANTING CITY OF DETROIT’S MOTION TO (A)(1) VOID THE CASE
EVALUATION AWARD AND SCHEDULING ORDER OBTAINED BY PLAINTIFF
CLARENCE HAYNES IN VIOLATION OF THE AUTOMATIC STAY; AND (2)
REQUIRE ENTRY OF NEW SCHEDULING ORDER IN STATE COURT ACTION; OR,
ALTERNATIVELY, (B) STAY STATE COURT ACTION PENDING RESOLUTION OF
THIS MOTION IF THE COURT DETERMINES THAT FURTHER BRIEFING IS
NECESSARY**

This case is before the Court on the City of Detroit’s Motion to (A)(1) Void the Case Evaluation Award and Scheduling Order Obtained by Plaintiff Clarence Haynes in Violation of the Automatic Stay; and (2) Require Entry of New Scheduling Order in State Court Action; or, Alternatively, (B) Stay State Court Action Pending Resolution of this Motion if the Court Determines that Further Briefing is Necessary (Docket # 10073, the “Motion”), upon proper notice and no timely response to the Motion having been filed, and the Court being fully advised in the premises, and there being good cause to grant the relief requested,

THE COURT FINDS AND CONCLUDES THAT:

A. Clarence Haynes violated the automatic stay by filing a complaint and commencing case number 14-009320, in Wayne County Circuit Court, Michigan (“State Court Action”).

B. Clarence Haynes violated the automatic stay by obtaining a scheduling order in the State Court Action.

C. Clarence Haynes violated the injunction set forth in the City of Detroit's Eighth Amended Plan for the Adjustment of Debts of the City of Detroit (October 22, 2014) by pursuing and obtaining a case evaluation award against the City in the State Court Action.

ACCORDINGLY, IT IS ORDERED THAT:

1. The Motion is granted.
2. The case evaluation award obtained by Clarence Haynes in the State Court Action is void.
3. The scheduling order entered in the State Court Action is void.
4. Within five days of the entry of this Order, Clarence Haynes must set aside, or cause to be set aside, the case evaluation award in the State Court Action.
5. Within five days of the entry of this Order, Clarence Hayes must stipulate to the entry of a new scheduling order in the State Court Action, which allows the City a reasonable amount of time to conduct discovery.
6. The Court retains jurisdiction over any and all matters arising from the interpretation or implementation of this Order.

Signed on August 11, 2015

/s/ Thomas J. Tucker
Thomas J. Tucker
United States Bankruptcy Judge